

ESTTA Tracking number: **ESTTA1155608**

Filing date: **08/25/2021**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91237315
Party	Defendant Universal Life Church Monastery Storehouse, Inc.
Correspondence Address	MICHAEL P MATESKY II MATESKY LAW PLLC 4500 9TH AVE NE SUITE 300 SEATTLE, WA 98105 UNITED STATES Primary Email: trademarks@mateskylaw.com Secondary Email(s): mike@mateskylaw.com, litigation@mateskylaw.com, mike@psbizlit.com 206-701-0331
Submission	Testimony For Defendant
Filer's Name	Michael P. Matesky, II
Filer's email	mike@mateskylaw.com, litigation@mateskylaw.com
Signature	/Michael P. Matesky, II/
Date	08/25/2021
Attachments	D. Wall 121020.pdf(307561 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----

AMERICAN MARRIAGE	)	
MINISTRIES,	)	
	)	
	)	
Opposer,	)	
	)	
vs.	)	Opposition No. 91237315
	)	
UNIVERSAL LIFE CHURCH	)	
MONASTARY STOREHOUSE,	)	
	)	
	)	
Applicant.	)	
	)	

-----

Zoom 30(b)(6) Deposition Upon Oral Examination Of  
American Marriage Ministries  
Designee: DYLAN JAMES WALL  
Combined with  
Personal Deposition Upon Oral Examination of  
DYLAN JAMES WALL  
VOLUME II

-----

December 10, 2020

Zoom Meeting

REPORTED BY: SUSAN E. ANDERSON, RPR, CCR  
License No. 2493

1 APPEARANCES

2 For the Opposer:

3 KELLY A. MENNEMEIR  
4 FOSTER PEPPER PLLC  
5 1111 Third Avenue, Suite 3000  
6 Seattle, Washington 98101  
7 206.447.4400  
8 kelly.mennemeier@foster.com

9 For the Applicant:

10 MICHAEL P. MATESKY, II  
11 MATESKY LAW PLLC  
12 4500 9th Ave NE Suite 300  
13 Seattle, WA 98105-4762  
14 206.701.0331  
15 mike@mateskylaw.com

16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## I N D E X

## PAGE NO.

EXAMINATION

198

BY MR. MATESKY

CROSS EXAMINATION

227

BY MS. MENNEMEIR

## E X H I B I T S

(None Marked)

1 Zoom Meeting, Washington; Thursday,

2 December 10, 2020

3 9:02 a.m.

4 -----

5

6 DYLAN WALL: witness herein, having been  
7 duly sworn by the Court Reporter  
8 testified as follows:

9

10 \* \* \*

11

12 MR. MATESKY: And, Kelly, if we could just  
13 put on the record that both parties agree to waive any  
14 objections that might be raised arising out of this  
15 deposition being conducted remotely via video  
16 conference as we've agreed for the other deposition,  
17 could you confirm that?

18 MS. MENNEMEIR: Yes, as we have agreed for  
19 all of the depositions in this case while the COVID  
20 pandemic continues, we agree to waive any objections  
21 to these depositions being conducted remotely.

22 EXAMINATION

23 BY MR. MATESKY:

24 Q. Good morning, Mr. Wall.

25 A. Morning.

1           Q.    I am an attorney for Universal Life Church  
2    Monastery Storehouse, the applicant in this matter.

3                   Do you understand that?

4           A.    Yes.

5           Q.    If I say ULC Monastery today, will you  
6    understand that I am referring to Universal Life  
7    Church Storehouse, the applicant in this matter?

8           A.    Yes.

9           Q.    And if I say AMM today, will you understand  
10   that I am referring to American Marriage Ministries,  
11   the opposer in this matter?

12          A.    Yes.

13          Q.    Actually, before we go further I'm going to  
14   remember to silence my phone.  There we go.

15                   Do you understand that you are under oath  
16   and that your responses are given today under penalty  
17   of perjury?

18          A.    Yes, I do.

19          Q.    You understand that although there is no  
20   judge or jury present today, this is sworn testimony  
21   that will be presented to the trademark trial and  
22   appeal board to resolve this matter?

23          A.    Yes.

24          Q.    During the deposition today, I may take my  
25   time in formulating and asking you questions.

1                   So will you please wait until you're  
2   fairly certain that I'm done with my question before  
3   answering?

4           A.    Yup.   Absolutely.

5           Q.    Also, your counsel may object to one or more  
6   questions today, so will you please try to pause a  
7   moment before answering a question after I'm done  
8   answering the question?

9           A.    Yes.

10          Q.    And will you also please give verbal  
11   responses to any questions, such as "yes" or "no"  
12   rather than nodding or shaking your head or "uh-huh"  
13   or "huh-uh" or something to that effect?

14          A.    Yes.

15          Q.    If at any point you don't understand a  
16   question that I've asked you, will you please let me  
17   know?

18          A.    Yes.

19          Q.    If at any point today you need to take a  
20   break, will you please let me know?

21          A.    Yes.

22          Q.    Are you under the influence of any drugs,  
23   alcohol or other condition that might impair your  
24   ability to give full and truthful answers today?

25          A.    No.

1 Q. Will you let me know if that changes at any  
2 point during the deposition today?

3 A. Yes.

4 Q. Did you do anything to prepare for your  
5 deposition today?

6 A. Yes.

7 Q. What did you do to prepare?

8 A. We had a preparation session on Friday. And  
9 I reviewed some past exhibits and past deposition  
10 transcripts.

11 Q. When you say, "We had a preparation session,"  
12 who does "we" refer to?

13 A. We would be myself, Glen Yoshioka, Lewis King  
14 and then Kelly and Ben. And I believe that was  
15 everyone.

16 Q. And does Kelly and Ben refer to your counsel  
17 in this matter?

18 A. Yes.

19 Q. Which deposition transcripts did you review  
20 in preparation for your testimony today?

21 A. My own.

22 Q. Does that include the September 4th testimony  
23 deposition in this matter?

24 A. Yes, I believe that would be the one.

25 Q. Does that include any other deposition



1 transcripts?

2 A. I believe I also skimmed over the original  
3 one, the -- I can't recall the date. But my first  
4 deposition related to this.

5 Q. And just to be clear, is that a transcript  
6 from this trademark trial and appeal board proceeding?

7 A. Yes.

8 Q. Did you review the exhibits to your  
9 September 4th testimony deposition in preparation for  
10 today's deposition?

11 A. I believe so. I don't know that I looked at  
12 a -- I kind of just skimmed through, you know, as many  
13 of the exhibits as possible. There were a lot of  
14 screenshots.

15 Q. I have sent to your counsel copies of those  
16 exhibits, those 25 exhibits from your September 4th  
17 testimony deposition in this matter. And I intend to  
18 ask you some general questions about those exhibits  
19 today.

20 Do you have those exhibits available to  
21 you now?

22 A. I do. And I should also say I took a look  
23 very briefly at the exhibits you sent over before  
24 getting on this meeting.

25 Q. So I'd like to offer if you'd like an

1 opportunity to review them further if you would like  
2 in order to answer questions today. I am -- as I  
3 mentioned, I'm going to ask you some questions about  
4 those exhibits rather generally. If at any point you  
5 would like to review those exhibits or any exhibit in  
6 particular in order to answer my questions, please let  
7 me know.

8 A. Okay.

9 Q. If you'd like to review them, you know,  
10 further now, we can certainly do that. Or we can wait  
11 and you can let me know if you think oh, I can't  
12 answer this question without reviewing the documents  
13 further.

14 A. I --

15 MS. MENNEMEIR: Depending on the nature of  
16 the questions, Mike, it may be helpful if you could  
17 point his attention to particular exhibits.

18 Q. (By Mr. Matesky) Yeah, the -- well, how about  
19 if I start asking questions and if at any point you  
20 think hey, I need to look at these in order to answer  
21 fully or accurately, just let me know.

22 Is that okay?

23 A. Sounds good.

24 Q. Do you generally recall the nature of the 25  
25 exhibits introduced during your prior testimony

1 deposition?

2 A. Yes.

3 Q. Generally speaking, what was the nature of  
4 those exhibits?

5 A. Those exhibits provided examples of use of  
6 the phrase "getordained" on a variety of websites that  
7 were publicly assessable online. And they  
8 demonstrated use of the phrase "getordained" being  
9 used in all manner of use from advertising to  
10 conventional, you know, an individual posting on a  
11 forum, people talking about services that they  
12 provide. There are a number of uses of the word.

13 Q. Did those exhibits tend to show that there  
14 are other competing businesses offering services  
15 similar to those offered by ULC Monastery who also  
16 used the term "getordained" to describe such services?

17 MR. MENNEMEIR: Object to form.

18 A. Yeah, could you maybe rephrase that?

19 Q. (By Mr. Matesky) I'll go through it slowly.

20 Did those exhibits tend to show that there  
21 are other competing businesses offering services  
22 similar to the services offered by ULC Monastery that  
23 also use the term "getordained" to describe those  
24 services?

25 MS. MENNEMEIR: Objection.

1           A.    Yes, I mean, it would depend on how you --  
2   how you characterized the services, but yes, I believe  
3   that a -- that they show other organizations using the  
4   phrase "getordained" in a way that is general and --  
5   and the Universal Life Church Monastery also uses the  
6   phrase in that way.

7           Q.    (By Mr. Matesky) Just to clarify, when you  
8   just referred to Universal Life Church Monastery were  
9   you referring to ULC Monastery?

10          A.    Yes.

11          Q.    Okay. Perhaps that was clear.

12                   Is it your position that the organizations  
13   reflected in the exhibits to your prior testimony  
14   deposition do not offer services similar to those  
15   offered by ULC Monastery?

16                   MS. MENNEMEIR: Object to form.

17          A.    No. Sorry, would you rephrase that?

18          Q.    (By Mr. Matesky) Yeah, I'll invert it, I  
19   guess.

20                   Is it your position that the organizations  
21   reflected in the exhibits to your prior deposition  
22   offer services similar to those offered by ULC  
23   Monastery?

24                   MS. MENNEMEIR: Object to form.

25          A.    Some do.

1 Q. (By Mr. Matesky) Is it your position that  
2 some of the organizations shown in the exhibits to  
3 your prior deposition do not offer services similar to  
4 those offered by ULC Monastery?

5 MS. MENNEMEIR: Object to form.

6 A. Yes, some of the organizations depicted in  
7 the exhibits that we have talked about in these  
8 depositions, some offer services that are similar to  
9 Universal Life -- or to ULC Monastery and some do not.

10 Q. (By Mr. Matesky) Which organizations do not  
11 offer services similar to those offered by ULC  
12 Monastery?

13 A. There are a variety. I can't recall the --  
14 yeah, I don't know that I could list every single  
15 example at the moment.

16 Q. Okay. Well, you have those exhibits  
17 available to you. We can refer to them and you can  
18 tell me which ones do not offer services similar to  
19 the services offered by ULC Monastery.

20 A. Okay.

21 Q. Okay. We can start with Exhibit 1 if you'd  
22 like.

23 A. All right. I'll need just a moment to pull  
24 those up.

25 MS. MENNEMEIR: I'm going to object to

1 this line of questioning to the extent that it's  
2 outside of the pretrial disclosures. And to the  
3 relevance.

4 A. Okay. I have the exhibits up right now.

5 Q. (By Mr. Matesky) Okay. So in reference to  
6 Exhibit 1 --

7 A. Uh-huh.

8 Q. -- is -- are the organizations -- let me  
9 strike that.

10 Does this document tend to show that there  
11 are other competing organizations that offer services  
12 similar to those offered by ULC Monastery that use the  
13 words "getordained" to describe those services?

14 A. Are we referring to Exhibit 1?

15 Q. Yes.

16 A. Okay. So The Knot, which is the publication  
17 depicted in this exhibit, does not offer services  
18 similar to the ULC Monastery. And to the rest of your  
19 question, I believe you were asking something to the  
20 effect of is there a description of services similar  
21 to the ULC Monastery being described in the content of  
22 the article, is that --

23 Q. I'm going to strike your -- move to strike  
24 your answer as nonresponsive. I don't believe it's  
25 responding to the question I asked. It was a yes or a

1 no question. So I'll ask it again.

2 A. Okay.

3 Q. Does Exhibit 1 to your prior testimony  
4 deposition --

5 A. Uh-huh.

6 Q. -- tend to show that there are other  
7 competing businesses offering services similar to  
8 those offered by ULC Monastery who also use the term  
9 "getordained" to describe such services?

10 MS. MENNEMEIR: Object to form.

11 A. I would -- I would need to read the full  
12 content of the article to answer that question.

13 Q. (By Mr. Matesky) Please do.

14 A. Okay.

15 Okay. I can respond that this document,  
16 Exhibit 1, does -- does -- I can't remember the exact  
17 phrase you used. But it does -- it does demonstrate  
18 or it does give examples of other organizations that  
19 have similar services to the Universal Life Church --  
20 or the ULC Monastery.

21 Q. I'll ask the court reporter to read back my  
22 prior question to make sure you know the question  
23 that's been posed, if you would, please?

24 (LAST QUESTION WAS READ BACK BY THE COURT REPORTER.)

25 MS. MENNEMEIR: Object to form.

1           A.    To my knowledge, it does not state that these  
2   organizations use the term "getordained," but the term  
3   "getordained" is used by The Knot to describe the  
4   content of the paragraph No. -- or the section  
5   numbered 2, "getordained," on page 2 of the exhibit.  
6   Rose Ministries, American Fellowship Church and  
7   Universal Ministries are all identified.

8           Q.    (By Mr. Matesky) Does this Exhibit 1 to your  
9   prior testimony deposition tend to show that the term  
10   "getordained" is generic in relation to ordination  
11   services?

12          A.    I believe that it does.

13          Q.    Does this Exhibit 1 to your prior deposition  
14   tend to show that the term "getordained" is a term of  
15   art for services connected with ordination services?

16          A.    I -- I don't know the proper definition of  
17   the term of art, so I don't feel capable of answering  
18   that.

19          Q.    Without reference to any external definition,  
20   would you say in your own words that this exhibit  
21   tends to show that the term "getordained" is a term of  
22   art for services connected with ordination services?

23          A.    Not necessarily. To me it just depicts  
24   general use of the phrase "getordained" in a here's  
25   what you do, "getordained" if required, you know, a



1 descriptive sense of the word. It's -- it's, you  
2 know, not being used as a -- it's just being used in  
3 its literal definition.

4 Q. Are you aware that ULC Monastery has applied  
5 to register the mark "getordained" in connection with  
6 services identified as ecclesiastical services, namely  
7 ordaining ministers to perform religious ceremonies?

8 A. Yes.

9 Q. Does Exhibit 1 to your prior deposition tend  
10 to show that the phrase "ecclesiastical services,"  
11 namely ordaining ministers to perform religious  
12 ceremonies means essentially providing services  
13 allowing others to get ordained?

14 MS. MENNEMEIR: Object to form.

15 A. So the Universal Life Church -- or the ULC  
16 Monastery offers ecclesiastical services.

17 Q. (By Mr. Matesky) That's not the question. So  
18 the question is, does Exhibit 1 to your prior  
19 testimony deposition tend to show that the phrase  
20 "ecclesiastical services," namely ordaining ministers  
21 to perform religious ceremonies means essentially  
22 providing services allowing others to "getordained"?

23 MS. MENNEMEIR: Object to form.

24 A. Ecclesiastical services I believe could be  
25 interpreted much more broadly than that.

1           Q.     (By Mr. Matesky) So is it your testimony that  
2     the phrase "ecclesiastical services," namely ordaining  
3     ministers to perform religious ceremonies does not  
4     mean essentially providing services allowing others to  
5     "getordained"?

6                     MS. MENNEMEIR: Object to form.

7           A.     Yes, in conjunction with the whole phrase  
8     there, yes, I believe that -- that sounds accurate.

9           Q.     (By Mr. Matesky) Okay. I guess I'll -- I  
10    don't know if we need to -- I don't know if we need to  
11    go through it one by one, but maybe to be safe we  
12    should.

13                    So I'll direct your attention now to  
14    Exhibit 2 to your prior deposition.

15          A.     Okay. Exhibit 2?

16          Q.     Uh-huh.

17          A.     Okay. I think I have that up.

18          Q.     Does this Exhibit 2 to your prior deposition  
19    tend to show that the term "getordained" is generic in  
20    relation to ordination services?

21                    MS. MENNEMEIR: Object to form.

22          A.     Yes, I believe that it does.

23          Q.     (By Mr. Matesky) All right. I'll move on to  
24    Exhibit 3.

25                    Does Exhibit 3 to your prior testimony

1 deposition tend to show that the term "getordained" is  
2 generic in relation to ordination services?

3 MS. MENNEMEIR: Object to form.

4 A. Yes. I don't see a reference of ordination  
5 services specifically here, but it does say, "I will  
6 'getordained' and perform the ceremony." And my  
7 assumption is that it's in reference to getting  
8 ordained as in officiant or a minister in order to  
9 perform a wedding ceremony.

10 Q. (By Mr. Matesky) So just to be clear --

11 A. Oh, excuse me, and it does specifically  
12 reference wedding in the post directly above the  
13 highlighted "getordained" text.

14 Q. So because of your answer I just want to make  
15 sure you're answering the question I asked, and that  
16 we're clear on that.

17 So is it your belief that this Exhibit 3  
18 tends to show that the term "getordained" is generic  
19 in relation to ordination services?

20 A. I believe that it is used generically in  
21 relation to anything. It's -- it's --

22 Q. That's not my question, that's not my  
23 question.

24 A. Okay.

25 Q. My question is, does this Exhibit 3 show or

1 support the position that the term "getordained" is  
2 generic in relation to ordination services?

3 A. Yes, I believe that it does.

4 Q. Okay. I'll refer to Exhibit 4 now to your  
5 prior testimony deposition.

6 Does this Exhibit 4 to your prior  
7 testimony deposition tend to show that the words  
8 "getordained" are generic in relation to ordination  
9 services?

10 MS. MENNEMEIR: Object to form.

11 A. Yes.

12 Q. (By Mr. Matesky) Okay.

13 MR. MATESKY: Kelly, I understand  
14 objecting to form, but, you know, if you can provide  
15 further guidance on how I can phrase the question in a  
16 way that's non-objectionable, I'll be happy to do  
17 that.

18 MS. MENNEMEIR: Sure. I'm objecting in  
19 part on grounds that the question is leading, in part  
20 on grounds that it is putting testimony into  
21 Mr. Wall's mouth. And to the extent that some of  
22 these questions have been vague or confusing.

23 MR. MATESKY: Okay. Thank you.

24 MS. MENNEMEIR: Certainly all of the ones  
25 with double negatives are not.

1 Q. (By Mr. Matesky) All right. I am going to  
2 refer your attention to Exhibit 5 to your prior  
3 testimony deposition.

4 A. Okay.

5 Q. Does this exhibit show that the words  
6 "getordained" are generic in relation to ordination  
7 services?

8 A. Yes.

9 Q. I will refer to Exhibit 6 to your prior  
10 testimony deposition.

11 A. Okay.

12 Q. Does this exhibit tend to show that the words  
13 "getordained" are generic in relation to ordination  
14 services?

15 A. Yes.

16 Q. I will refer to Exhibit 7 to your prior  
17 testimony deposition.

18 A. Okay.

19 Q. Sorry. Does this Exhibit 7 tend to show that  
20 the words "getordained" are generic in relation to  
21 ordination services?

22 A. Yes.

23 Q. I'll refer your attention to Exhibit 8 to  
24 your prior testimony deposition.

25 A. Okay.

1           Q.    Does this exhibit tend to show that the words  
2    "getordained" are generic in relation to ordination  
3    services?

4           A.    Yes.

5           Q.    I will refer your attention to Exhibit 9 to  
6    your prior testimony deposition.

7           A.    Okay.

8           Q.    Does this Exhibit 9 tend to show that the  
9    phrase "getordained" is generic in relation to  
10   ordination services?

11          A.    Yes.

12          Q.    And I will refer to Exhibit 10 to your prior  
13   testimony deposition.

14                Does this exhibit tend to show that the  
15   phrase "getordained" is generic in relation to  
16   ordination services?

17          A.    Yes.

18          Q.    And I will refer to Exhibit 11 to your prior  
19   testimony deposition now.

20                Does this Exhibit 11 to your prior  
21   testimony deposition tend to show that the phrase  
22   "getordained" is generic in relation to ordination  
23   services?

24          A.    Oh, okay. I'm sorry, it took me a moment to  
25   find the Exhibit 11.

1 Q. Sure. I'll ask the question again so we have  
2 a nice clean transcript.

3 A. Okay.

4 Q. Does this is Exhibit 11 to your prior  
5 testimony deposition tend to show that the phrase  
6 "getordained" is generic in relation to ordination  
7 services?

8 A. Yes.

9 Q. And I will direct your attention to  
10 Exhibit 12 to your prior testimony deposition.

11 A. Okay.

12 Q. Does this Exhibit 12 to your prior testimony  
13 deposition tend to show that the phrase "getordained"  
14 is generic in relation to ordination services?

15 A. Yes.

16 Q. And I will now refer to Exhibit 13 to your  
17 prior testimony deposition.

18 A. Okay.

19 Q. Does this Exhibit 13 to your prior testimony  
20 deposition tend to show that the phrase "getordained"  
21 is generic in relation to ordination services?

22 A. Yes.

23 Q. And I will now refer to Exhibit 14 to your  
24 prior testimony deposition.

25 Does this Exhibit 14 to your prior

1 testimony deposition tend to show that the phrase  
2 "getordained" is generic in relation to ordination  
3 services?

4 A. I might need a moment to read this one.

5 Q. Okay.

6 A. Yes, it does show that.

7 Q. I'll ask that you take a look at Exhibit 15  
8 and Exhibit 16 together. If at any point you want to  
9 treat them separately, we can. But I think it might  
10 be more efficient to do them together. But let me  
11 know if you'd like to do them separately.

12 A. I'm just trying to take in the entirety of  
13 both exhibits here.

14 Q. Sure.

15 A. Okay. Yeah, without knowing the question  
16 it's -- it's hard to say. But --

17 Q. Of course.

18 A. -- but absolutely.

19 Q. Okay. So do Exhibits 15 and 16 to your prior  
20 testimony deposition tend to show that there are --  
21 let me start it over, I'm going to try to go slowly  
22 and make it as clear a question as I can.

23 Do Exhibits 15 and 16 to your prior  
24 testimony deposition show a competing organization  
25 that offers services similar to those offered by ULC



1 Monastery using the words "getordained" to describe  
2 those services?

3 A. Yes.

4 Q. Do Exhibits 15 and 16 to your prior testimony  
5 deposition --

6 A. Oh, excuse me.

7 Q. Yeah.

8 A. I should say that my last response was only  
9 in reference to Exhibit 15, I should also look at 16.

10 Q. Okay. Well, I'll ask the question again for  
11 Exhibit 16.

12 Does Exhibit 16 to your prior testimony  
13 deposition show a competitor to ULC Monastery that  
14 offers services similar to those offered by ULC  
15 Monastery using the words "getordained" to describe  
16 those services?

17 A. Yes. It use -- Exhibit 16 I can say also  
18 uses those services -- or yes to your question. It  
19 does use "getordained" to describe those services. It  
20 also uses "getordained" in a more general sense.

21 Q. I'll move to strike as nonresponsive  
22 everything after "yes."

23 But I will ask another question that may  
24 be related.

25 A. Okay.

1 Q. And I'll ask for Exhibits 15 and 16 together,  
2 but if you'd like to treat them separate, we can.

3 Do Exhibits 15 and 16 to your prior  
4 testimony deposition tend to show that the words  
5 "getordained" are generic in relation to ordination  
6 services?

7 A. 16 does, I'll need a moment to review 15  
8 again.

9 Yes, I do believe it uses it in a -- in a  
10 form that's generic.

11 Q. Okay. I'll ask you to review Exhibit 17 to  
12 your prior testimony deposition.

13 A. Okay.

14 Q. Do you see the words "getordained" on the  
15 first page of Exhibit 17?

16 A. Yes.

17 Q. Does Exhibit 17 to your prior testimony  
18 deposition show a competing organization offering  
19 services similar to those offered by ULC Monastery  
20 using the words "getordained" to describe those  
21 services?

22 MS. MENNEMEIR: Object to form.

23 A. Yes.

24 Q. (By Mr. Matesky) Does Exhibit 17 to your  
25 prior testimony deposition tend to show that the term

1 "getordained" is generic in relation to ordination  
2 services?

3 A. Yes.

4 Q. I will direct your attention to Exhibit 18 to  
5 your prior testimony deposition.

6 A. Okay.

7 Q. I'm going to pause for one moment here, give  
8 me a second.

9 (OFF THE RECORD.)

10 Q. (By Mr. Matesky) Okay. Do you see the words  
11 "getordained" on Exhibit 18?

12 A. Yes.

13 Q. Does Exhibit 18 to your prior testimony  
14 deposition show a competing business that offers  
15 services similar to those offered by ULC Monastery  
16 using the words "getordained" to describe those  
17 services?

18 MS. MENNEMEIR: Object to form.

19 A. Yes.

20 Q. (By Mr. Matesky) Does Exhibit 18 to your  
21 prior testimony deposition tend to show that the  
22 phrase "getordained" is generic in relation to  
23 ordination services?

24 A. Yes.

25 Q. I will draw your attention to Exhibit 19 to

1 your prior testimony deposition.

2 A. Okay.

3 Q. Does Exhibit 19 show a competing business  
4 offering services similar to those offered by ULC  
5 Monastery?

6 A. Yes.

7 MS. MENNEMEIR: Object to form.

8 Q. (By Mr. Matesky) Does Exhibit 19 show that  
9 organization using the words "getordained" to describe  
10 those services?

11 A. Yes.

12 Q. Does Exhibit 19 to your prior testimony  
13 deposition tend to show that the phrase "getordained"  
14 is generic in relation to ordination services?

15 A. Yes.

16 Q. Sorry. I had a little bit of a computer  
17 glitch, but I think everything's okay.

18 I'll direct your attention to  
19 Exhibit 20 -- actually, what's going on here? Okay.  
20 What the heck is happening? Can anyone hear me?

21 MS. MENNEMEIR: We can hear you, but your  
22 video is frozen.

23 MR. MATESKY: Let's go off the record.  
24 I'm having some technical difficulties. I'll see if I  
25 can fix them.

1 MS. MENNEMEIR: Okay.

2 (RECESS, 9:42 TO 9:45 A.M.)

3 Q. (By Mr. Matesky) Okay. So, Mr. Wall, I  
4 appear to have resolved my technical difficulties and  
5 I will direct your attention to Exhibit 20 to your  
6 prior testimony deposition.

7 A. Okay. I'm looking at Exhibit 20.

8 Q. Does this exhibit show a competing business  
9 that offers services similar to those offered by ULC  
10 Monastery?

11 MS. MENNEMEIR: Object to form.

12 A. Yes.

13 Q. (By Mr. Matesky) Does this exhibit show that  
14 competing business using the words "getordained" to  
15 describe those services?

16 MS. MENNEMEIR: Object to form.

17 A. Yes.

18 Q. (By Mr. Matesky) And where does it do that?

19 A. Well, one example is the beginning of the  
20 second page of the exhibit, it says, "Getordained to  
21 perform a marriage."

22 Q. Okay. Does this Exhibit 20 to your prior  
23 testimony deposition tend to show that the phrase  
24 "getordained" is generic in relation to ordination  
25 services?

1           A.    Yes.

2           Q.    I will now direct your attention to  
3   Exhibit 21 to your prior testimony deposition.  
4   Actually, strike that.

5                   I will go ahead and direct your attention  
6   to Exhibit 22 to your prior testimony deposition.

7           A.    Okay.

8           Q.    Is Church of the Open Road a competing  
9   business that offers services similar to those offered  
10  by ULC Monastery?

11                   MS. MENNEMEIR:  Object to form.

12          A.    Yes.

13          Q.    (By Mr. Matesky) Does this exhibit tend to  
14  show -- strike that.

15                   Does this exhibit show Church of the Open  
16  Road using the words "getordained" to describe  
17  services similar to those offered by the ULC  
18  Monastery?

19          A.    To my -- no, I don't believe this does  
20  describe those services.

21          Q.    Does this exhibit tend to show that the words  
22  "getordained" are generic in relation to ordination  
23  services?

24          A.    I would say yes.  This one is a little bit --  
25  the phrase, the sentence used is shorter, so it's a

1 little bit different here.

2 Q. I will direct your attention to Exhibit 23 to  
3 your prior testimony deposition.

4 A. Okay.

5 Q. Is Christian Leaders Institute a competing  
6 business that offers services similar -- excuse me,  
7 I'll try to say that a little more clearly.

8 Is Christian Leaders Institute a competing  
9 business that offers services similar to those offered  
10 by ULC Monastery?

11 A. Yes, I would say they're similar.

12 Q. Does this Exhibit 23 to your prior testimony  
13 deposition show Christian Leaders Institute using the  
14 words "getordained" to describe those services?

15 A. Yes.

16 Q. Does this Exhibit 23 tend to show that the  
17 words "getordained" are generic in relation to  
18 ordination services?

19 A. Yes.

20 Q. I'll direct your attention to Exhibit 24 to  
21 your prior testimony deposition.

22 A. Okay.

23 Q. Is Reiki Temple an organization that offers  
24 -- sorry, strike that.

25 Is Reiki Temple an organization -- I can't

1     seem to get my question out right.  Let's try that  
2     again.

3                   Is Reiki Temple a competing business that  
4     offers services similar to those offered by ULC  
5     Monastery?

6                   MS. MENNEMEIR:  Object to form.

7           A.     I believe so.  But I don't know as much about  
8     the Reiki Temple.

9           Q.     (By Mr. Matesky) Does this exhibit show use  
10    of the words "getordained" to describe services  
11    similar to those offered by ULC Monastery?

12          A.     Yes.

13          Q.     Does this exhibit tend to show that the words  
14    "getordained" are generic in relation to ordination  
15    services?

16          A.     Yes.

17          Q.     I will direct your attention to Exhibit 25.

18          A.     Okay.

19          Q.     Is AMM a competing business offering services  
20    similar to those offered by ULC Monastery?

21                   MS. MENNEMEIR:  Object to form.

22          A.     Yes.

23          Q.     (By Mr. Matesky) Does this exhibit show AMM  
24    using the term "getordained" to describe those  
25    services?



1           A.     Yes.

2           Q.     Does this exhibit tend to show that the  
3     phrase "getordained" is generic in relation to  
4     ordination services?

5           A.     Yes.

6                     MR. MATESKY:   Okay.   If we could take a  
7     quick break, maybe just five or ten minutes -- well,  
8     let's say -- let's try for five minutes.   Is that all  
9     right?

10                    MS. MENNEMEIR:   That works for me.

11                    MR. MATESKY:   I'll try to be back here by  
12     9:57 or 9:58.   Thanks.

13                    (RECESS, 9:52 TO 10:01 A.M.)

14           Q.     (By Mr. Matesky) Now having had the  
15     opportunity to look through Exhibits 1 through 25 to  
16     your prior testimony deposition, Mr. Wall, did you  
17     create any of those documents reflected in those  
18     exhibits?

19                    MS. MENNEMEIR:   Object to the form.

20           A.     I believe I took at least one of those  
21     screenshots.

22           Q.     (By Mr. Matesky) Do you know which one?

23           A.     Yeah, I could -- I could find it.   Look  
24     through the exhibits.   Let's see, I took screenshot --  
25     or the screenshot in Exhibit 25.

1 Q. Any others?

2 A. I'm going to scroll back through and  
3 double-check.

4 Yes, that is the only one of these  
5 screenshots that I took. Exhibit 25.

6 MR. MATESKY: We have no further  
7 questions.

8 MS. MENNEMEIR: Okay. I have a couple of  
9 questions on cross. And I am ready to dive in if  
10 others are.

11 MR. MATESKY: Sure.

12 MS. MENNEMEIR: I'm getting the message  
13 that my connection is unstable, am I coming through  
14 clearly on your end?

15 THE COURT REPORTER: Yes, for me.

16 THE WITNESS: Yeah.

17 CROSS EXAMINATION

18 BY MS. MENNEMEIR:

19 Q. Does the term "ecclesiastical services"  
20 encompass other kinds of services?

21 A. Other kinds from online ordination services?

22 Q. Well, does the term -- do ordination services  
23 fall under the umbrella of "ecclesiastical services"?

24 MR. MATESKY: Objection. Foundation.

25 A. Yes.

1 MS. MENNEMEIR: Then I have no further  
2 questions.

3 MR. MATESKY: Let me think for just a  
4 moment.

5 We have nothing on redirect.

6 THE COURT REPORTER: Okay. Are you  
7 ordering?

8 MR. MATESKY: Yes, we will order a copy.

9 MS. MENNEMEIR: And we will not at this  
10 point. We do reserve signature.

11 (Deposition adjourned at 10:05 a.m.)

12 (Signature reserved.)

13 \* \* \*

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

S I G N A T U R E

I declare under penalty of perjury  
under the laws of the State of Washington that I have  
read my within deposition, and the same is true and  
accurate, save and except for changes and/or  
corrections, if any, as indicated by me on the CHANGE  
SHEET flyleaf page hereof. Signed in.....WA  
on the.....day of....., 2020.

.....

DYLAN WALL

Taken: December 10, 2020

SUSAN E. ANDERSON, RPR, CCR

## C E R T I F I C A T E

STATE OF WASHINGTON       )  
  ) ss.  
COUNTY OF YAKIMA       )

I, the undersigned Registered Professional Reporter and Washington Certified Court Reporter, hereby certify that the foregoing deposition upon oral examination of DYLAN WALL was taken before me on December 10, 2020 and transcribed under my direction;

That the witness was duly sworn by me pursuant to RCW 5.28.010 to testify truthfully; that the transcript of the deposition is a full, true, and correct transcript to the best of my ability; that I am neither attorney for, nor a relative or employee of, any of the parties to the action or any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

I further certify that in accordance with CR 30(e), the witness was given the opportunity to examine, read, and sign the deposition, within 30 days, upon its completion and submission, unless waiver of signature was indicated in the record.

DATED this 20th day of December, 2020.

SUSAN E. ANDERSON, RPR, CCR  
License No. 2493

1 DATE FILED: 2/8/2021

2

3 MICHAEL MATESKY  
4 Matesky Law  
5 4500 9th Avenue NE  
6 Suite 300  
7 Seattle, WA 98105

8

9 NOTICE RE CHANGES TO ORIGINAL DEPOSITION

10

11 Case Name: AMM v. ULC  
12 Venue: TTAB  
13 Cause No.: 91237315  
14 Witness: LEWIS KING  
15 Taken: December 7, 2020

16

17 Pursuant to CR 30(e), the deposition transcript was  
18 made available with Signature Page and Change Sheet  
19 to the above-referenced witness for examination,  
20 reading, and signing.

21

22 Enclosed is a copy of the Signature Page and  
23 Change Sheet, if any, to the above-referenced  
24 original deposition transcript.

25

26 X No Signature Page, corrections, or changes were  
27 received by this office within the 30-day signature  
28 period.

29

30

31 \_\_\_\_\_  
32 Yvonne Gillette, CCR

33 cc: File  
34 MICHAEL MATESKY  
35 BENJAMIN HODGES